

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOHN AND JANE DOE, INDIVIDUALLY
AND AS NEXT FRIENDS OF CHILD DOE,
A MINOR

VS.

CIVIL ACTION NO. 5:17-cv-00310-OLG

LA VERNIA INDEPENDENT SCHOOL
DISTRICT; JOSE H. MORENO, SUPER-
INTENDENT; KIMBERLY MARTIN,
PRINCIPAL; BRANDON LAYNE, FORMER
ATHLETIC DIRECTOR AND HEAD COACH;
RICHARD HINOJOSA, ATHLETIC
DIRECTOR; CHRIS TABER, ATHLETIC
DIRECTOR, SCOTT GRUB, HEAD COACH;
KEITH BARNES, COACH.

**PLAINTIFFS DEMAND
A TRIAL BY JURY**

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

Plaintiffs and Defendants file this stipulation of dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), on the 21ST day of July, 2017.

1. Plaintiffs are JOHN AND JANE DOE, INDIVIDUALLY AND AS NEXT FRIENDS OF CHILD DOE, A MINOR.

2. Defendants are LA VERNIA INDEPENDENT SCHOOL DISTRICT; JOSE H. MORENO, Individually and in his capacity as SUPERINTENDENT of La Vernia ISD; KIMBERLY MARTIN, Individually and in her capacity as PRINCIPAL of LA VERNIA HIGH SCHOOL; BRANDON LAYNE, Individually and in his capacity as FORMER ATHLETIC DIRECTOR AND HEAD COACH of the School; RICHARD HINOJOSA, Individually and in his capacity as ATHLETIC DIRECTOR of the School; CHRIS TABER, Individually and in his capacity as ATHLETIC DIRECTOR of the School; SCOTT GRUB, Individually and in his capacity as HEAD COACH of the School; and KEITH BARNES.

3. Plaintiffs move to dismiss the suit without prejudice due to the health of their attorney J.K. Ivey. Mr. Ivey had quadruple bypass surgery on May 25, 2017. On July 13, 2017, Mr. Ivey was diagnosed with congestive heart failure and pulmonary edema. His recovery is going to take much longer than originally anticipated.

4. Defendants, who have served answers agree to the dismissal without prejudice.

5. This case is not a class action under Federal Rule of Civil Procedure 23, a derivative action under Rule 23.1, or an action related to an unincorporated association under Rule 23.2.

6. A receiver has not been appointed in this case.

7. This case is not governed by a federal statute that requires a court order for dismissal of the case.

8. Plaintiffs have not previously dismissed any federal-or state-court suit based on or including the same claims as those presented in this case

9. This dismissal is without prejudice.

MARQUARDT LAW FIRM, P.C.

15600 N. San Pedro, Suite 100

San Antonio, Texas 78232

(210) 530-4278 Telephone

(210) 247-9396 Facsimile

By: 

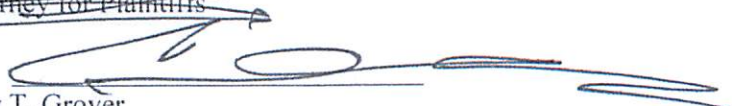
J. K. Ivey

State Bar No.: 10438250

E-mail: jkivey@MarquardtLawFirm.com

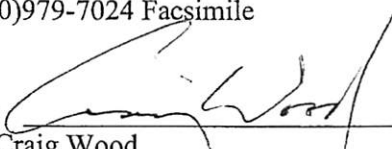
ROGERS, ORRIS & GROVER, L.L.P.
5718 Westheimer, Suite 1200
Houston, TX 77057
(713)960-6000 Telephone
(713)960-6025 Facsimile

~~Attorney for Plaintiffs~~

By: 
Clay T. Grover
State Bar No. 08550280
Fed. I.D. No. 15064
E-mail cgrover@rmgllp.com

Attorneys for the Individual Defendants

WALSH GALLEGOS TREVINO RUSSO &
KYLE, P.C. 100 ne Loop 410, Suite 900
San Antonio, TX 78216
(210)979-6633 Telephone
(210)979-7024 Facsimile

By: 
D. Craig Wood
State Bar No. 21888700
E-mail cwood@wabsa.com

Attorneys for La Vernia Independent School
District and Dr. Jose H. Moreno